

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. 98-059

REQUIRING THE L&D LANDFILL LIMITED PARTNERSHIP
FRUITRIDGE ROAD LAND COMPANY
L&D LANDFILL
TO CEASE AND DESIST
FROM DISCHARGING CONTRARY TO REQUIREMENTS

The California Regional Water Quality Control Board, Central Valley Region, (hereafter Board) finds:

1. The L&D Landfill Limited Partnership operates the L&D Landfill, A Limited Class III Landfill under Waste Discharge Requirements Order No. 96-177 (WDRs). The landfill is on Fruitridge Road between Florin-Perkins Road and Elk Grove Florin Road in Sacramento County, on land owned by the Fruitridge Road Land Company (jointly referred to as the Discharger, along with the L&D Limited Partnership). The discharge is limited to certain inert and nonhazardous wastes, as classified under Title 27 of the California Code of Regulations. Approximately 200 tons per day of these wastes, including construction and demolition debris, concrete, asphalt, dirt, non-friable asbestos, green wastes, wood and paper are disposed of at the landfill. The WDRs prohibit the discharge of putrescible municipal solid wastes other than green wastes. Tree trunks and scrap metal are recycled.
2. The facility consists of two limited Class III landfills. Landfill 1 (LF-1), the older of the two landfills, is unlined and consists of two disposal modules - the East Pit and the West Pit. Both pits have been filled above surface level but are not yet at final grade. Landfill 2 (LF-2), also referred to as the North Pit expansion, is a lined expansion landfill under phased construction immediately north of the East Pit. The first LF-2 module, Module 1 (four acres), was constructed in 1996, while the second module, Module 2 (nine acres), was constructed in 1997.

3. WDR Discharge Prohibition A.3 states:

Discharges of waste to either a landfill unit that has not received wastes or to a lateral expansion of a landfill unit are prohibited, unless the discharge is to an area equipped with a containment system which meets requirements in B. Specifications, below.

4. WDR Discharge Specification B. 9 states:

Each landfill unit phase constructed after the effective date of this Order shall be designed and constructed in accordance with Chapter 15 and this Order and approved by Board staff prior to operation. Prior to the beginning of construction for each new construction phase, a Final Design Report shall be submitted to the Board for review and approval . . . Approval of the final design report shall be obtained from Board staff prior to construction of the landfill liner or cover. A final construction report shall be submitted for approval by Board staff after each phase of construction and prior to the discharge of waste into the constructed phase. The final construction report shall include, but not be limited to, as-built plans, a CQA report with a written summary of the CQA

program and all test results, analyses, and copies of the inspector's original field notes, and a certification as described in the Standard Provisions and Reporting Requirements.

5. Section 20310(e), Title 27, California Code of Regulations (CCR) states:

Containment structures shall be designed by, and construction shall be supervised and certified by, a registered civil engineer or a certified engineering geologist. Units shall receive a final inspection and approval of the construction by RWQCB or SWRCB staff before use of the Unit commences.

6. The Discharger submitted the design report for Module 1 on 22 August 1996 and Board staff approved it on 26 August 1996. In a 19 September 1996 letter, prior to completion of the module and submission and approval of a final construction report, the Discharger notified the Board of the "scheduling of waste disposal" and "your acknowledgment of our intent in this regard". The letter further stated:

"We expect to complete the construction of Expansion Module #1 in stages in the period of September 20th through October 4th and expect to initiate waste disposal operations within this period as soon as operationally significant increments of the work are completed. We are cognizant of provisions of our waste discharge requirements which stipulate submission, and Regional Board approval, of a design report prior to waste disposal. As we discussed, however, we find it necessary to dispose of waste in this area in advance of the Board's formal approval. With winter rains fast approaching, we have a pressing need to commence waste disposal operations in this area as quickly as possible in order to winterize the site to avoid the production of excessive leachate and other operational problems."

7. In a 20 September 1996 letter, the Discharger submitted a three-page document entitled "Interim Certification for L&D Landfill Expansion Module #1", which stated that a portion of Module 1 had been completed in accordance with the approved design plan and that waste disposal on the module was to begin on 21 September 1996. Staff notified the discharger the document could not be reviewed for approval because it was not certified and was not a final construction report.
8. In a 3 October 1996 site inspection, Board staff observed that the Discharger had discharged wastes to Module 1, and in a 25 October 1996 letter, the Discharger notified the Board that a five to six foot lift of compacted waste had been placed over the entire area of Module 1 as a slope stabilization measure. The Discharger did not submit the final construction report for approval until 4 November 1996. Board staff approved it as final on 15 November 1996.
9. The discharge of wastes to Module 1 prior to Board staff approval of the final construction report for that module constituted a violation of Discharge Specification B.9 and Discharge Prohibition A. 3 of the WDRs and Section 20310(e) of Title 27.
10. On 25 June 1997, the Discharger submitted a document entitled "Design Report for L and D Landfill Expansion Module #2" for Board staff review and approval. In a 10 July 1997 meeting,

staff informed the Discharger that the design report was unacceptable due to a lack of engineering calculations and certification. On 25 July 1997, the Discharger re-submitted the design report, along with a cover letter titled "Resubmittal of Design Report for L and D Landfill Expansion Module #2 and Interim Certification for Initial Liner Construction" This letter stated:

"Since the submittal of our initial, 'unstamped' design report, we have found it necessary to commence liner construction in advance of your approvals. An initial 10,000 square foot area was completed on July 24th . . . We expect to complete the construction of Expansion Module #2 in stages in the period of July 24th through September 23rd . . . and we expect to commence waste disposal on July 30th. In addition, we expect to initiate waste disposal operations on other lined sections within this period as soon as operationally significant increments of the work are completed.

We are cognizant of provisions of our waste discharge requirements which stipulate submission, and Regional Board approval, of a design report prior to waste disposal. As we discussed, however, we find it necessary to dispose of waste in this area in advance of the Board's formal approval. With winter rains fast approaching, we have a pressing need to commence waste disposal operations in this area as quickly as possible in order to winterize the site to avoid the production of excessive leachate and other operational problems."

11. In a 29 July 1997 site inspection, staff noted that a portion of the Module 2 liner had already been constructed, as stated by the Discharger in the 25 July 1997 design report cover letter. The Discharger therefore knowingly began construction of the module prior to submission and staff approval of a certified final design report, a violation of WDR Discharge Specification B.9 and Section 20310(e) of Title 27. The violation was noted in the inspection report.
12. In a letter dated 30 July 1997, staff notified the Discharger of "substantial deficiencies" in the Module 2 design report, including concerns over slope design, stability and setback. The letter stated that staff could not approve the design report at that time and requested that the Discharger revise and re-submit it. In a 6 August 1997 telephone conversation and a 14 August 1997 follow-up letter, staff re-iterated these technical concerns and repeated its request for a revised design report.
13. During a 2 February 1998 site inspection, staff observed that the Discharger had completed construction of Module 2 and had discharged several lifts of waste over the entire nine-acre module area.
14. The construction of Module 2, prior to submittal and staff approval of a final design report is a further violation of WDR Discharge Specification B.9 and Title 27. The violation was noted in the inspection report for the 2 February 1998 site inspection.
15. The discharge of waste to Module 2 is a further violation of WDR Discharge Specification B.9 and a violation of WDR Discharge Prohibition A.3. The violation was noted in the inspection report for the 2 February 1998 site inspection.

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16. In a 9 February 1998 Notice of Violation, staff notified the Discharger of the violations identified in Findings 9, 11, 14, and 15 above. The NOV requested that the Discharger return to compliance with the WDRs no later than 30 March 1998. In response to the NOV, the Discharger submitted the revised final design and construction reports for Module 2 on 13 March 1998.
17. A June 1989 Solid Waste Assessment Test (SWAT) report and subsequent Verification Monitoring program showed volatile organic compounds (VOCs) in the groundwater beneath the landfill, including trichloroethane (TCE), tetrachloroethane (PCE), 1,1-dichloroethane (DCA), cis & trans 1,2-dichloroethene, and vinyl chloride. The data indicate that LF-1 is the source of the groundwater pollution.
18. WDR Discharge Specification B.6 states:

Neither the treatment nor the discharge of wastes shall cause a pollution or nuisance as defined by the California Water Code, Section 13050.

The presence of VOCs in the groundwater is a “pollution” and a continuing violation of WDR Discharge Specification B.6. The source of the VOCs, an unlined landfill (LF-1), is similarly a threatened pollution.

19. As an interim corrective action, the Discharger installed four shallow groundwater extraction wells (MWs-2A, 4, 7 & 10), and an air stripping system, designed to treat approximately 16 gallons per minute flow. In the second quarter of 1996, the VOCs listed in Finding 17 were detected at levels up to 2.6, 6.1, 6.0, 19, and 2.0 ppb, respectively. DCA was detected in the deep aquifer at 2.2 ppb.
20. Since 1 September 1997, the Discharger has been in violation of WDR Provision D.9 for failure to comply with the a time schedule for completing the groundwater investigation. The time schedule required the Discharger to complete the following tasks:
 - (1) submit a list of concentration limits for monitoring by **1 September 1997**;
 - (2) submit a proposal to define the extent of groundwater contamination by **1 March 1997**;
 - (3) install any necessary additional wells by **1 October 1997**; and
 - (4) a report to the Board on the extent of the plume by **1 April 1998**.

Staff has not yet received a list of concentration limits for detection monitoring. The work plan to define the extent of contamination was received on 21 January 1998 (10 months late) and determined by staff to be inadequate. The Discharger has therefore failed to meet the time schedule in the WDRs and has not yet begun the remedial investigation.

21. Monitoring and Reporting Program (MRP) 96-177, Section A states:

Monitoring reports shall be submitted to the Board by the 15th day of the month following the calendar quarter in which the samples were taken.

Section B.2 further states:

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The discharger shall submit reports of the results of detection monitoring and corrective action in accordance with the schedules specified in the Monitoring and Reporting Program.

The Discharger has failed to submit the required quarterly monitoring reports in a timely manner. All quarterly monitoring reports required under the MRP to date have been submitted late, including those for the third and fourth quarters of 1996 (submitted a year late), the first and second quarters of 1997 (submitted six months late), and the third and fourth quarters of 1997 (submitted one month late). The failure to submit these monitoring reports by the due date constitutes a violation of the MRP and the WDRs.

22. The 9 February 1998 Notice of Violation referenced in Finding 16 also notified the Discharger of the violations identified in Findings 20 and 21.
23. The California Water Code (CWC) Section 13301 provides as follows:

When a regional board finds that a discharge of waste is taking place or threatening to take place in violation of requirements or discharge prohibitions prescribed by the regional board or the state board, the board may issue an order to cease and desist and may direct that those persons not complying with the requirements or discharge prohibitions (a) comply forthwith, (b) comply in accordance with a time schedule set by the board, or (c) in the event of a threatened violation, take appropriate remedial or preventive action.

24. Issuance of this order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.), in accordance with California Water Code Section 15321(a)(2), Title 14, of the California Code of Regulations.
25. Any person adversely affected by this action of the Board may petition the State Water Resources Control Board (State Board) to review the action. The petition must be received by the State Water Resources Control Board, Office of the Chief Counsel, P.O. Box 100, Sacramento, CA 95812-0100, within 30 days of the date on which this action was taken. Copies of the law and regulations applicable to filing petitions will be provided on request.

IT IS HEREBY ORDERED THAT:

1. The Discharger shall cease and desist discharging wastes in violation of Waste Discharge Requirements Order No. 96-177 forthwith, and in no case later than as set forth in the following time schedule, established pursuant to the CWC Section 13301:

<u>Tasks</u>	<u>Date Due</u>
a. Submit revised workplan to define the extent of ground water contamination	1 May 1998
b. Initiate groundwater investigation	1 July 1998

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| c. Install additional monitoring wells, as approved | 1 August 1998 |
| d. Submit final report of results of groundwater investigation | 1 November 1998 |
| e. Submit amended Corrective Action Plan to clean up groundwater and mitigate the threat to water quality | 1 April 1999 |
| f. Complete groundwater cleanup, mitigate threat, and submit report | 1 November 2002 |

2. The Discharger shall comply with the following time schedule, established pursuant to the CWC Section 13301, with regard to future reports to be submitted as required by the WDRs:

<u>Tasks</u>	<u>Date Due</u>
a. Submit approvable Design Report for future modules	30 days prior to construction
b. Submit approvable Construction Completion Report for future modules	10 days prior to discharge of waste
c. Submit quarterly and annual monitoring reports	By 15th day of the month following the monitoring period

If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of this order, the Executive Officer may apply to the Attorney General for judicial enforcement or issue a complaint for Administrative Civil Liability.

I, GARY M. CARLTON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on 17 April 1998.

GARY M. CARLTON, Executive Officer

JDM

AMENDED 4/17/98